

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**A. C. BROOKS, individually and on  
behalf of all others similarly situated,**

§

vs.

§

**5:03CV256**

§

**THE LINCOLN NATIONAL LIFE  
INSURANCE COMPANY and  
LINCOLN FINANCIAL DISTRIBUTORS,  
INC.,**

§

§

**MEMORANDUM ORDER**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report and Recommendation of the United States Magistrate Judge Denying Defendants' Amended Motion for Summary Judgment which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections were filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that Defendants' Amended Motion for Summary Judgment (Dkt. No. 137) is **DENIED.**

**SIGNED this 5th day of March, 2008.**



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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE